



Mr D Rawlings
General Manager
Kempsey Shire Council
PO Box 3078
West Kempsey NSW 2440

Our ref: PP_2015_KEMPS_004_00 (15/14661)
Your ref: KLEP2013-AM-6

Dear Mr Rawlings

Planning proposal to amend Kempsey Local Environmental Plan 2013

I am writing in response to your Council's letter dated 30 September 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of Lot 280 DP 1098732, part of Lot 1 DP 1205619 and an unnamed road reserve in Crescent Head from RU2 Rural Landscape to R5 Large Lot Residential and to alter the minimum lot size controls for the subject land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones and 3.4 Integrating Land Use and Transport is justified in accordance with the terms of the Directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 8 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Luke Blandford of the Department's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely

 16 October 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_KEMPS_004_00): to rezone part of Lot 280 DP 1098732, part of Lot 1 DP 1205619 and an unnamed road reserve in Crescent Head from RU2 Rural Landscape to R5 Large Lot Residential and to alter the minimum lot size controls for the subject land.

I, the General Manager, Northern Region, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Kempsey Local Environmental Plan (LEP) 2013* to rezone part of Lot 280 DP 1098732, part of Lot 1 DP 1205619 and an unnamed road reserve in Crescent Head from RU2 Rural Landscape to R5 Large Lot Residential and to alter the minimum lot size controls for the subject land should proceed subject to the following conditions:

1. Prior to the commencement of public exhibition, Council is to:
 - (a) amend the property description in the planning proposal to indicate that the rezoning footprint includes part of Lot 280 DP 1098732, part of Lot 1 DP 1205619 and an unnamed road reserve.
 - (b) ensure that Council's timeline for completing the LEP amendment is incorporated into the body of the Planning Proposal;
 - (c) Prepare A3 copies of the maps included in the proposal that identify the site and the current and proposed zones and minimum lot size standards.
2. Additional information regarding potable water servicing is to be placed on exhibition with the Planning Proposal.

The completion of any further site specific studies as required should not delay the finalisation of the LEP beyond the 12 month timeframe specified by the Gateway determination.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16th day of October 2015.

Stephen Murray
General Manager, Northern Region
Planning Services

Delegate of the Minister for Planning